

IN THE
United States Circuit Court of Appeals
For the Ninth Circuit

JOHN R. CORBETT, also known as J. R.
CORBETT, and NORA E. BISHOP,
alias ELLEN STONE,

Plaintiffs in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Transcript of the Record

*Upon Writ of Error from the United States District
Court for the District of Idaho,
Southern Division.*

No.....

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NAMES AND ADDRESSES OF ATTORNEYS
OF RECORD.

J. T. COOK,
S. L. TIPTON,
Boise, Idaho,
Attorneys for Plaintiffs in Error.

E. G. DAVIS, U. S. District Attorney,
Boise, Idaho,
Attorney for Defendant in Error.

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*In the District Court of the United States, in and for
the District of Idaho, Southern Division.*

February Term, 1923.

UNITED STATES OF AMERICA,

vs.

JOHN R. CORBETT, also known as J. R.
CORBETT,

Defendant.

No. 954.

INDICTMENT.

Charge: Violation, Act June 25, 1910,
White Slave Traffic Act.

The Grand Jurors of the United States of America, being first duly impaneled and sworn, within and for the District of Idaho, Southern Division, in the name and by the authority of the United States of America, upon their oaths do find and present:

That heretofore, to-wit, on or about the 20th day of January, A. D. 1923, John R. Corbett, also known as J. R. Corbett, did, knowingly, wilfully, unlawfully and feloniously transport and cause to be transported and did aid and assist in transporting a certain woman, to-wit, Nora E. Bishop, alias Ellen Stone, in interstate commerce from Spokane, in the county of Spokane and State of Washington,

and in the Eastern District of Washington, to Boise, in the county of Ada and State of Idaho, and within the Southern Division of the District of Idaho, as a passenger upon the lines of certain common carriers engaged in interstate commerce, to-wit, Oregon-Washington Railroad & Navigation Company, and the Oregon Short Line Railroad Company, with the intent and purpose on the part of him, the said John R. Corbett, also known as J. R. Corbett, to induce, entice, and compel her, the said Nora E. Bishop, alias Ellen Stone, to engage in an immoral practice, to-wit, the practice of illicit sexual intercourse with him, the said John R. Corbett, also known as J. R. Corbett, at the said city of Boise, in the State and District of Idaho.

Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

COUNT TWO.

And the Grand Jurors aforesaid, upon their oaths as aforesaid, do further find and present:

That the said John R. Corbett, also known as J. R. Corbett, heretofore, to-wit, on or about the 11th day of January, A. D. 1923, at Boise, in the county of Ada, and State of Idaho, and within the Southern Division of the District of Idaho, did, knowingly, wilfully, unlawfully and feloniously, persuade, induce and entice a certain woman, to-wit,

Nora E. Bishop, alias Ellen Stone, to go and be carried in interstate commerce from the city of Spokane, in the State of Washington, to the city of Boise, in the county of Ada, and the State of Idaho, as a passenger upon the lines of certain common carriers engaged in interstate commerce, to-wit, the Oregon-Washington Railroad & Navigation Company, and the Oregon Short Line Railroad Company, with the intent and purpose, on the part of him, the said John R. Corbett, also known as J. R. Corbett, to persuade, induce and entice the said Nora E. Bishop, alias Ellen Stone, to engage in an immoral practice, to-wit, the practice of illicit sexual intercourse with him, the said John R. Corbett, also known as J. R. Corbett; and that the said John R. Corbett, also known as J. R. Corbett, then and there, and by means of such persuading, inducing and enticing, did, knowingly, wilfully, unlawfully and feloniously cause, and aid, and assist in causing, the said Nora E. Bishop, alias Ellen Stone, to go and be carried and transported from the City of Spokane in the State of Washington, to the City of Boise, in the county of Ada, and State of Idaho, and within the Southern Division of the District of Idaho, in interstate commerce as a passenger upon the lines of certain common carriers, to-wit, the Oregon-Washington Railroad & Navigation Company, and the Oregon Short Line Railroad Company.

Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

E. G. DAVIS,

*United States Attorney, for the
District of Idaho.*

RUSSELL M. ASH,

*Foreman of the United States
Grand Jury.*

WITNESSES EXAMINED BEFORE THE
GRAND JURY IN THE ABOVE CASE:R. B. McCUTCHEON,
A. A. IMUS,
GEORGE A. DAY,
L. C. FLORA,
W. H. MINIELY,
MAX H. WASSON.

“INDICTMENT

Violation Act June 25, 1910—White Slave Traffic.

E. G. DAVIS,
U. S. Attorney.

A true bill.

RUSSELL M. ASH,
Foreman.Presented by the foreman in open court and filed
in the presence of the grand jury this 15 day of
Feby., 1923.W. D. McREYNOLDS,
Clerk.By _____,
Deputy Clerk.”

Endorsed, Filed Feb. 15, 1923,

W. D. McREYNOLDS, Clerk.

*In the District Court of the United States in and
for the District of Idaho, Southern Division.*

UNITED STATES OF AMERICA,

vs.

JOHN R. CORBETT, also known as J. R.
CORBETT, and NORA E. BISHOP,
alias ELLEN STONE,*Defendants.*

No. 995.

INDICTMENT.

Charge: Violation Section 37,
Penal Code.

Conspiracy to Commit Offenses against the
United States.

The Grand Jurors of the United States of America, being first duly impaneled and sworn, within and for the District of Idaho, Southern Division, in the name and by the authority of the United States of America, upon their oaths do find and present:

That heretofore, to-wit, at Boise, County of Ada, State and District of Idaho, Southern Division, and within the jurisdiction of this Court, John R. Corbett, also known as J. R. Corbett, and Nora E. Bishop, alias Ellen Stone, did, then and there, wilfully, knowingly, unlawfully and feloniously, conspire, combine, confederate and agree together to commit an offense against the United States of America, to-wit, to violate the Act of Congress known as the White Slave Traffic Act (Act of June 25, 1910, 36 Stat. 825), in the following manner and particulars:

That the said John R. Corbett, also known as J. R. Corbett, and the said Nora E. Bishop, alias Ellen Stone, did, at the time and place aforesaid, conspire, combine and agree together that the said Nora E. Bishop, alias Ellen Stone, should go and

be transported in interstate commerce from the City of Spokane, in the State of Washington, to the City of Boise, County of Ada, State and District of Idaho, Southern Division, and within the jurisdiction of this Court, and that the said John R. Corbett, also known as J. R. Corbett, should knowingly transport, and cause to be transported and aid and assist in transporting the said Nora E. Bishop, alias Ellen Stone, from the said City of Spokane, in the State of Washington, to the said City of Boise, in the State and District of Idaho, Southern Division and within the jurisdiction of this Court, as a passenger upon the lines of a certain common carrier engaged in interstate commerce, to-wit, the Oregon-Washington Railroad & Navigation Company, and the Oregon Short Line Railroad Company, with the intent and purpose on the part of him, the said John R. Corbett, also known as J. R. Corbett, to induce, entice and procure the said Nora E. Bishop, alias Ellen Stone, to give herself up to debauchery and to other immoral practices.

That after the formation of said unlawful conspiracy and in pursuance thereof, and to effect the object and purpose thereof, he, the said John R. Corbett, also known as J. R. Corbett, on January 11, 1923, deposited with the Western Union Telegraph Company, at Boise, Ada County, Idaho, and within the Southern Division of the District of

Idaho, for transmission to Spokane, Washington, the following application for money transfer, to-wit:

A personal or business message may be incorporated in the money transfer for a small added charge.

Number 41

Time

Filed 3:01 P. M.

Received

by

K.

WESTERN UNION MONEY TRANSFER

Principal \$20.00

Transfer

Charges \$.25

Telegraph

Tolls \$ 1.13

Tax \$.10

Total

Charges \$21.48

Newcomb Carlton
President

George E. W. Atkins,
First Vice-President.

THE WESTERN UNION TELEGRAPH CO.

Subject to the conditions on back hereof,

which are hereby agreed to.

Boise, Ida., Jan. 11, 1923.

Pay to ELLEN STONE

Street and No. 3809 East Liberty St.

Place Spokane, Washington.

(Amount) Twenty Dollars and no cents (\$20.00)

And DELIVER the following message to payee
at the time of payment.

Sending money to come home on wire when you start.

Signature

J. R. Corbett,

Sender's Address

Capital Hotel.

Positive evidence of personal identity will be required from the Payee UNLESS the following waiver is signed.

WAIVER OF IDENTIFICATION

I desire that the above named payee shall not be required to produce positive evidence of personal identity and hereby authorize and direct the Telegraph Company to pay the sum named in this order at my risk to such person as its agent believes to be the above-named payee.

Signature

J. R. Corbett.

TRANSFER AGENT'S COPY—NOT FOR TRANSMISSION.

And pursuant further to the aforesaid conspiracy, combination, confederation and agreement, and to effect the object and purpose thereof, he, the said John R. Corbett, also known as J. R. Corbett, on the 14th day of January, 1923, at Boise, in the County of Ada, and State of Idaho, and within the Southern Division of the District of Idaho, delivered to the Western Union Telegraph Company at Boise, Idaho, for transmission to Spokane, Washington, the following telegram:

Class of Service
desired
Telegram
Day Letter
Night Message
Night Letter

WESTERN UNION
TELEGRAM

Receiver's No.
S
Check

14
Time filed
1923 Jan. 14 AM
8:12

Newcomb Carlton,
President

George E. W. Atkins,
First Vice-President.

Send the following message, subject to the terms on back hereof, which are hereby agreed to.

Boise, Idaho, Jan. 14, 1923.

To Ellen Stone

Street and No. 3809 East Liberty St.
Place Spokane, Wash.
no do not think so at this time com
as soon as you can.

J. R. Corbett.

And pursuant further to the aforesaid conspiracy, combination, confederation, and agreement and to effect the object and purpose thereof, he, the said John R. Corbett, also known as J. R. Corbett on or about the 20th day of January, A. D., 1923, at Boise, in the County of Ada, and State of Idaho, and within the Southern Division of the District of Idaho, paid to the Oregon Short Line Railroad Company, at Boise, Idaho, the sum of Two Dollars and eighty-eight cents, (\$2.88), for the purchase of a railroad ticket on the line of said company, from Weiser, Idaho, to Boise, Idaho, to be used by the said Nora E. Bishop, alias Ellen Stone; and at the said time and place, directed the agent of said Railroad Company to telegraph such ticket to Weiser, Idaho, care Oregon Short Line train, number twenty-four (24);

And pursuant further to the aforesaid conspiracy, combination, confederation and agreement, and to effect the object and purpose thereof, he, the said John R. Corbett, also known as J. R. Corbett, on the 20th day of January, A. D. 1923, at Boise, in the County of Ada and State of Idaho, and within the Southern Division of the District of Idaho, met the said Nora E. Bishop, alias Ellen Stone, at the Oregon Short Line passenger station in Boise, Idaho, and accompanied her to the Capital Hotel in Boise, Idaho, and to room thirty-six (36) in said hotel;

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

E. G. DAVIS,
*United States Attorney for the
District of Idaho.*

L. L. BRECKENRIDGE,
*Foreman of the United States
Grand Jury.*

WITNESSES EXAMINED BEFORE THE
GRAND JURY IN THE ABOVE CASE.

R. B. McCUTCHEN,
GEORGE A. DAY,
LILLIAN STANDISH,
MRS. MABEL KEITH,
ALLEN W. BISHOP,
L. C. FLORA,
ROBERT C. COLE,
MAE SACK,
MRS. B. L. LANE.

“INDICTMENT

Charge: Violation 37 Penal Code, Conspiracy to
Commit Offenses against the United States.

E. G. DAVIS,
U. S. Attorney.

A true bill.

L. L. BRECKENRIDGE,
Foreman.

Presented by the foreman in open court and filed
in the presence of the grand jury this 10th day of
Sept., 1923.

W. D. McREYNOLDS,
Clerk.”

Endorsed, Filed Sept. 10, 1923.
W. D. McREYNOLDS, Clerk.

(Title of Court and Cause.)

MINUTE ENTRIES.

February 15, 1923.

No. 954.

Comes now the District Attorney with the defendant and his counsel, William Langroise, Esq., into Court, the defendant to be arraigned upon the indictment. The reading of the indictment was waived by the defendant who was informed of the contents thereof by the Court. Ten o'clock a. m. on February 16, 1923, was fixed as the time for the defendant to plead.

February 16, 1923.

Comes now the District Attorney with the defendant and his counsel into Court, this being the time fixed for the defendant to plead. The Court asked him whether he pleads guilty or not guilty of the offense charged in the indictment, and he plead not guilty. Whereupon, the cause was set for trial on February 21, 1923.

September 15, 1923.

No. 995

Comes now the District Attorney with the defendants and their counsel, S. L. Tipton, Esq., and J. T. Cook, Esq., the defendants to be arraigned upon the indictment. The reading of the indictment was waived by the defendants, who were informed of the contents thereof by the Court. The Court asked each defendant if he had been indicted by his true name and each replied in the affirmative.

The Court then asked the defendants if they pleaded guilty or not guilty of the offense charged in the indictment and each defendant plead not guilty. * * *

(Title of Court and Cause.)

VERDICTS

No. 954.

We, the jury in the above entitled cause find the defendant Guilty on the first count and Guilty on the second count as charged in the indictment.

J. L. BAXTER,
Foreman.

Endorsed, Filed Sept. 17, 1923.
W. D. McREYNOLDS, Clerk.

Judgment

No. 995.

We, the jury in the above entitled cause find the defendants Guilty as charged in the indictment.

J. L. BAXTER,
Foreman.

Endorsed, Filed Sept. 17, 1923.
W. D. McREYNOLDS, Clerk.

(Title of Court and Cause.)

Judgment

No. 954.

Now, on this 24th day of September, 1923, the

United States District Attorney, with the defendant John R. Corbett and his counsel, S. L. Tipton and J. T. Cook, came into Court; the defendant was duly informed by the Court of the nature of the indictment found against him for the crime of Violation of Act of June 25, 1910, committed on the 20th day of January, A. D. 1923; of his arraignment and plea of not guilty; of the trial, and verdict of the jury on the 17th day of September, A. D. 1923, "Guilty as charged in the indictment." The defendant was then asked by the Court if he had any legal cause to show why judgment should not be pronounced against him, to which he replied that he had none, and no sufficient cause being shown or appearing to the Court.

Now, therefore, the said defendant having been convicted of the crime of Violation of Act of June 25, 1910,

It is hereby considered and adjudged that the said defendant, John R. Corbett do pay a fine of One Thousand Dollars, and that he be imprisoned and kept in the Ada County jail for the term of Ten Months. Defendant's bond on appeal was fixed at \$2500.00, and he was permitted to go upon his present bond until Thursday, September 27, 1923.

(Title of Court and Cause.)

Judgment

No. 995.

Now, on this 24th day of September, 1923, the United States District Attorney, with the defendant, Nora E. Bishop and her counsel, S. L. Tipton and J. T. Cook, came into Court; the defendant was duly informed by the Court of the nature of the indictment found against her for the crime of Violation Section 37, Penal Code, Conspiracy to Commit an Offense Against the United States, committed on the 11th day of January, A. D., 1923; of her arraignment and plea of not guilty, of the trial, and the verdict of the jury on the 17th day of September, A. D., 1923, "Guilty as charged in the indictment." The defendant was then asked by the Court if she had any legal cause to show why judgment should not be pronounced against her, to which she replied that she had none, and no sufficient cause being shown or appearing to the Court.

Now, therefore, the said defendant having been convicted of the crime of Violation Section 37 Penal Code, Conspiracy to Commit an Offense Against the United States,

It is hereby considered and adjudged that the said defendant, Nora E. Bishop be imprisoned and kept in the Twin Falls County jail for the term of Three Months, and it is further ordered and adjudged that the defendant be and is hereby remanded to the custody of the United States Marshal for Idaho, to be by him delivered into said prison and to the proper officer or officers thereof.

(Title of Court and Cause.)

Judgment

No. 995.

Now, on this 24th day of September, 1923, the United States District Attorney, with the defendant, John R. Corbett, and his counsel, S. L. Tipton and J. T. Cook, came into Court; the defendant was duly informed by the Court of the nature of the indictment found against him for the crime of Violation Section 37, Penal Code, Conspiracy to Commit an Offense Against the United States, committed on the 11th day of January A. D., 1923, of his arraignment and plea of not guilty, of the trial, and the verdict of the jury on the 17th day of September A. D. 1923, "Guilty as charged in the indictment." The defendant was then asked by the Court if he had any legal cause to show why judgment should not be pronounced against him, to which he replied that he had none, and no sufficient cause being shown or appearing to the Court.

Now, therefore, the said defendant having been convicted of the crime of Violation Section 37, Penal Code, Conspiracy to Commit an Offense Against the United States.

It is hereby considered and adjudged that the said defendant, John R. Corbett, be imprisoned and kept in the Ada County jail for a term of Ten months, said term to run concurrently with judgment in cause No. 954.

And it is further ordered and adjudged that said defendant be and is hereby remanded to the custody of the United States Marshal for Idaho, to be by him delivered into said prison and to the proper officer or officers thereof.

(Title of Court and Cause.)

MOTION FOR A NEW TRIAL.

Now comes the defendants in the above entitled cause and moves the Court to set aside the verdict of the jury herein and grant a new trial of said cause for the following reasons:

1. Insufficiency of the evidence to justify the verdict in this: There is no evidence of any intent to transport in interstate commerce said Nora E. Bishop, or to induce, entice and persuade the said Nora E. Bishop to give herself up to debauchery and to other immoral practices. There is no evidence to prove or tending to prove that Nora E. Bishop was transported in interstate commerce from one state to another, for the purpose of giving herself up to debauchery and other immoral practices. Evidence fails to show that there was any transportation in the interstate commerce, as prohibited by the White Slave Traffic Act. The evidence shows that Nora E. Bishop was transported in interstate commerce from Boise, Idaho, to Spokane, Washington, and return for legitimate

purposes. There is no evidence of a conspiracy with the intent and purpose that Nora E. Bishop be transported in interstate commerce for the purpose set out in the indictment.

2. Errors in law occurring at the trial, to-wit:

The Court, in the presence of the jury, and over the objection of counsel for the defendant, permitted Government counsel on cross-examination of the witness, Nora E. Bishop, to ask her questions for the purpose of impeachment by incompetent, contradictory statements that she made in an involuntary confession.

3. Error in law occurring at the trial, to-wit:

The Court committed error in the refusal to give to the jury each and every of the instructions requested by and on behalf of the defendant and refused by the Court, being instructions Nos. 1, 3 and 4, to which action of the Court in refusing to give said instructions and in the refusal to give each of them, defendants duly excepted at the time.

J. T. COOK,

S. L. TIPTON,

Attorneys for Defendants.

Service of the above and foregoing motion for a new trial and receipt of copy thereof, duly acknowledged this twenty-first day of November, 1923.

E. G. DAVIS,

Attorney for United States.

Endorsed, Filed Sept. 21, 1923.

W. D. McREYNOLDS, Clerk.

MINUTE ENTRY.

ORDER DENYING MOTION FOR NEW TRIAL

September 24, 1923.

Ordered that the defendants' motion for a new trial be, and the same hereby is, denied.

(Title of Court and Cause.)

ORDER FOR EXTENSION OF TIME FOR PREPARING BILL OF EXCEPTIONS.

It is hereby ordered that the time heretofore granted the defendant in the above entitled cause for preparing and lodging his bill of exceptions, and for procuring a writ of error in the above entitled cause be, and the same is hereby extended to and including the first day of October, 1923.

FRANK S. DIETRICH,

District Judge.

Dated September 26, 1923.

Time extended to October 5, 1923.

FRANK S. DIETRICH,

October 1, 1923.

Extended to and including October 6, 1923.

DIETRICH, *Judge.*

Endorsed, Filed Sept. 26, 1923,
W. D. McREYNOLDS, Clerk.
By M. Franklin, Deputy.

(Title of Court and Cause.)

Nos. 954-995.

CONSOLIDATED CASES FOR TRIAL AND THE
SAID CASES WERE TRIED IN SAID COURT
TOGETHER SO CONSOLIDATED, AS ONE
CASE.

BILL OF EXCEPTIONS.

Be It Remembered, that on the trial of this cause in the above entitled Court at the September, 1923 term of said Court, the Honorable F. S. Dietrich presided. The following proceedings were had, to-wit:

The jury, having been first empanelled and sworn according to law, the testimony was offered on the part of the plaintiff and the defendants. That no Court reporter was present to take down and report the testimony and proceedings given on the said consolidated trial, and that in lieu of the same counsel for the government and for the defendants stipulated that the following are the essential facts testified to by the witness called at the transcript of record, proceedings and papers upon which said appeal is based and transmitted to said United States Circuit Court of Appeals for its consideration in connection with the said appeal and

consolidated trials.

Nora Bishop, alias Ellen Stone, was tried in the Federal Court at Boise, Idaho, on October 3rd, 1922, on a charge of embezzling post office funds and was acquitted by the jury. She was at that time and is now a married woman, having a family of four children ranging from three to seventeen years of age.

The defendant, Corbett, first met the defendant, Bishop, some time prior to the said trial. While in jail in Boise awaiting trial she sent for Corbett and he thereafter interested himself in her defense. On the night of her acquittal by the jury the defendant, Corbett, took her to the Capital Hotel in Boise, Idaho, where she was first assigned to room 39. This assignment was later changed, at Corbett's request, to room 33. Room 33 was just across a narrow hall from room 32, which was then and which for some time prior thereto had been occupied by Corbett. Defendants Corbett and Bishop continued to occupy rooms 32 and 33 respectively until about the first day of November, 1922, when at the request of the defendants they were transferred to rooms 27 and 65. There were adjoining rooms with a communicating door between. A short time later they again requested a change of rooms, this time from rooms 27 and 65 to rooms 36 and 37. These two rooms last indicated constituted what was known in the Capital Hotel as

housekeeping suite, room 36 being a bed room and room 37 being the kitchen. Corbett requested the landlady to place a cot in the kitchen of this housekeeping suite for his use. The door between rooms 37 and 36 could be locked from either side. On the side of room 37 there was an old fashioned lock with a key and also a bolt. On the side of the door in room 36, occupied by Mrs. Bishop, there was a latch which could be slipped into place. The landlady testified that she took no account of whether the door was locked or unlocked but she also testified that she had never seen the door open. She also testified that the occupants of these rooms could open the communicating door by unlocking it on their respective sides. The defendants continued to occupy these rooms 36 and 37 until on or about the eighteenth day of December, 1922, when defendant Bishop received the following telegram:

Spokane, Washington, December 18, 1922.

Ellen Stone,

Capital Hotel,

Boise, Idaho.

Ted and I are going to be operated on on the twenty-first of December. Come before it is too late.

(Signed) Daughter.

Following the receipt of this telegram, defendant Bishop went to Spokane, where she rejoined her

family and assisted in the care of her two children, who had been operated upon, as indicated in the telegram. She remained with them until on or about the nineteenth day of January, 1923. Defendant Corbett loaned her the money on which to go to Spokane and while she was there he testified that he sent her fifteen dollars additional. Mrs. Bishop testified that she did not cohabit with her husband during the month that she was in Spokane. On January tenth, Mrs. Bishop sent the defendant, Corbett, the following telegram:

Spokane, Washington, January 10, 1923.

J. R. Corbett,
Capital Hotel,
Boise, Idaho.

Received your letter yesterday. There was a mistake. Was glad to hear from you and please do not be worried when you receive my letter.

(Signed) Ellen Stone.

The defendant, Corbett, wired Ellen Stone as follows:

Boise, Idaho, January 11, 1923.

Ellen Stone,
3809 Liberty St.,
Spokane, Washington.

Sending money to come home on. Wire when you start.

(Signed) J. R. Corbett.

On the thirteenth day of January, 1923, Ellen Stone telegraphed the defendant, Corbett, as follows:

Spokane, Washington, January 13, 1923.

J. R. Corbett,
Capital Hotel,
Boise, Idaho.

Have been very poorly for past week. Will start as soon as I am able. Wire me if you think it best for me to bring Paul. Just say yes or no.

(Signed) Ellen Stone,

In response to this telegram, Corbett wired her as follows:

Ellen Stone,
3809 Liberty St.,
Spokane, Washington.

Do not think so at this time. Come as soon as you can.

(Signed) J. R. Corbett.

In reply to this telegram Ellen Stone wired as follows:

Spokane, Washington, January 14, 1923.

J. R. Corbett,
Capital Hotel,
Boise, Idaho.

Will come at once.

(Signed) Ellen Stone,

With the money sent by Corbett on January 11th, Ellen Stone purchased a ticket over the Oregon-Washington Railway & Navigation Company and the Oregon Short Line Railway Company from Spokane, Washington, to Weiser, Idaho. On the 19th of January, 1923, Corbett received the following telegram from Ellen Stone:

Umatilla, Oregon, January 19, 1923.

John Corbett,
Capital Hotel,
Boise, Idaho.

Wire me a ticket to Weiser, Idaho, or meet me there. Leaving Umatilla January twentieth, five A. M.

(Signed) Ellen Stone,

In compliance with this telegram defendant Corbett purchased from the agent of the O. S. L. Railway Company a ticket for her from Weiser to Boise, Idaho, and paid the O. S. L. Railway Company agent for the same \$2.88. On this ticket so purchased Ellen Stone was transported over the O. S. L. Railroad from Weiser to Boise, Idaho. The defendants testified that after their arrest on the charges on which they were tried the money advanced by the defendant Corbett to transport the defendant Bishop from Spokane, Washington, to Boise, Idaho, was repaid to Corbett by Mrs. Bishop's father.

Mrs. Bishop brought with her from her husband's home in Spokane their three-year-old child. She was met at the Oregon Short Line depot at Boise by defendant Corbett, who took her baggage and the two defendants went together to the Capital Hotel. She did not report to the desk or register but went direct to the room number 36, which she had occupied before going to Spokane. Corbett went with her and built a fire in her room. Shortly thereafter he made her a cup of coffee in his room 37 and she and the child had a light lunch in his room. The defendants both testified that after this lunch they returned to room 36, where they talked until about ten o'clock P. M., at which time Corbett retired to his own room. About midnight of this same night the defendants were arrested by a deputy from the U. S. Marshal's office on a charge of violating the White Slave Traffic Act. The deputy marshal asked the landlady of the hotel in what room he would find Corbett and she said 36. He knocked at this door and after waiting two or three minutes Nora Bishop came to the door. He asked her where Corbett was and she replied that he was in room 37. The deputy marshal then knocked on the door of room 37 opening into the hall and after a short time Corbett came to that door and unlocked it but it would not open sufficiently to permit him to come out. It struck a commode after opening a distance, which the witness indicated with his

hands, apparently about a foot. Corbett later moved the commode and opened the door and came into the hall. After Mrs. Bishop had been given some time in which to put on some clothes the deputy marshal stepped into her room 37 and found the latch on her side unfastened. Later on and before taking the defendants to his office he testified that he found the door locked on Mrs. Bishop's side with the latch, and he further testified that Mrs. Bishop admitted to him that she had slipped the latch into place while his back was turned. After entrance was secured into Corbett's room it was found that the door was locked on his side. The landlady of the hotel testified that the commode above referred to ordinarily stood when these two rooms were used by independent parties in front of the communicating door between the two rooms and that if it was moved to the side next the door leading from room 37 into the hall so as to permit passage from room 37 to 36 the commode would then be in a position where it would prevent the opening of the door from room 37 into the hall. Both defendants testified that they were in love with each other and intended to be married after Mrs. Bishop secured a divorce. She testified that she had consulted an attorney with reference to securing such a divorce but that her suit therefore had not been filed up to the time of this trial. Mrs. Bishop testified that at the time she left Boise to

go to Spokane she intended to return and wrote a letter to her father to that effect. She also testified that she wrote from Spokane to her father telling him of her intended return to Boise. A chambermaid at the hotel also testified that she heard Mrs. Bishop say that she would return. She also arranged to have her things left in her room during her absence and they were so left in the room. From the time that Mrs. Bishop first went to the Capital Hotel up to the time of the arrest of the defendants, the defendant, Corbett, had paid the room rent for each of the rooms occupied by Mrs. Bishop under the circumstances herein above set out. Mrs. Bishop testified that she had repaid \$40.00 of this sum to Corbett after the arrest.

During the time that Mrs. Bishop was in the Capital Hotel before going to Spokane, or at least during the greater part of this time, she was employed as a waitress in the Uneeda Restaurant and had made arrangements before leaving that her position should be retained for her. Mrs. Bishop was arrested and released on bond but she did not go to work for the Uneeda Restaurant in accordance with the previous arrangement testified to. Instead, she went to work, when she did go to work, for another restaurant known as the Silver Grill. Mrs. Bishop testified that while working at the Uneeda Restaurant she took her meals there.

There was no direct testimony showing any im-

moral act at the Capital Hotel by the defendants, Corbett and Bishop, and the landlady of the hotel and one of the chambermaids testified that so far as they had observed their acts were proper.

After hearing all the evidence in the consolidated trials, after argument of counsel both of the government and the defendants and the charge of the Court the defendants duly accepted in the presence of the jury to the Court's refusal to give the following instructions requested by the defendants, which instructions are as follows:

1. "The jury are instructed if you are satisfied from the evidence, that the defendants were domiciled and living at Boise, Idaho, and that Nora E. Bishop, alias Ellen Stone, was transported in interstate commerce to Spokane, State of Washington and return to Boise, Idaho, and at the time of leaving Boise, Idaho, she left her position of employment both defendants fully intended that she would return to her employment at Boise, Idaho, after having visited her children at Spokane, Washington.

"And if you find from the evidence that the defendant, Corbett, at the time of her leaving Boise, Idaho, arranged with her to furnish her the money and did furnish her the money to pay her transportation in interstate commerce to Spokane, Washington and return to Boise, Idaho, and even if you should further find from the evidence that the defendants prior to and at the time of her going to Spokane and returning to Boise had illicit intercourse, you should acquit them."

4. "The jury are instructed if you are satisfied from the evidence that the defendants were

domiciled and living at Boise, Idaho, Nora E. Bishop, alias Ellen Stone, was transported in interstate commerce to Spokane, Washington, from Boise, Idaho, and returned from Spokane, Washington, to Boise, Idaho, and at the time of leaving Boise, Idaho, for Spokane, Washington, she left her position of employment, both of the defendants fully intended at the time she left Boise, Idaho, that she would return from Spokane, Washington, to her employment at Boise, Idaho, after having visited her children at Spokane, Washington, and if you find from the evidence, that the defendant Corbett at the time of her leaving Boise, Idaho, for her said trip to Spokane, Washington, and return, arranged with her to furnish the money and did furnish her the money to pay her transportation in interstate commerce to Spokane, Washington, and return to Boise, Idaho, had illicit intercourse and you further find from the evidence that he had in mind at the time of furnishing transportation, he would continue the prior illicit intercourse with her, you should acquit them."

It is hereby understood and agreed by Court and counsel that no instructions were given by the Court in said consolidated trials, the same or substantially the same or any modification of the same; as the instructions herein requested by the defendants and refused by the Court.

The jury retired to consider their verdict and returned the verdict, finding the defendant, John R. Corbett, guilty on both counts, as charged in the indictment No. 954, and both the defendants, John R. Corbett and Nora E. Bishop guilty, as charged

in indictment No. 995, to which verdict the defendants then and there duly accepted.

Thereupon, within the time allowed by the Court and on the twenty-second day of October, 1923, defendants filed a motion for a new trial, which motion is as follows:

(Title of Court and Cause.)

MOTION FOR A NEW TRIAL.

Now comes the defendants in the above entitled cause and moves the Court to set aside the verdict of the jury herein and grant a new trial of said cause for the following reasons:

1. Insufficiency of the evidence to justify the verdict in this:

There is no evidence of any intent to transport in interstate commerce said Nora E. Bishop or to induce, entice and persuade the said Nora E. Bishop to give herself up to debauchery and to other immoral practices. There is no evidence to prove or tending to prove that Nora E. Bishop was transported in interstate commerce from one state to another, for the purpose of giving herself up to debauchery and other immoral practices. Evidence fails to show that there was any transportation in interstate commerce, as prohibited by the White Slave Traffic Act. The evidence shows that Nora E. Bishop was transported in interstate commerce from Boise, Idaho, to Spokane, Washington, and return for legitimate purposes. There is no evidence of a conspiracy with the intent and purpose that Nora E. Bishop be transported in interstate commerce for the purposes set out in the indictment.

2. Error in law occurring at the trial, to-wit:

The Court, in the presence of the jury and over the objection of counsel for the defendant permitted Government counsel on cross-examination of the witness, Nora E. Bishop, to ask her questions for the purpose of impeachment by incompetent, contradictory statements that she made in an involuntary confession.

3. Error in law occurring at the trial, to-wit:

The Court committed error in the refusal to give to the jury each and every of the instructions requested by and on behalf of the defendants and refused by the Court, being instructions Nos. 1, 3 and 4, to which action of the Court in refusing to give said instructions and in the refusal to give each of them defendants duly excepted at the time.

(Signed) J. T. COOK,
S. L. TIPTON,
Attorneys for Defendants.

Service of the above and foregoing motion for a new trial and receipt of copy thereof, duly acknowledged this twenty-second day of September, 1923.

(Signed) E. G. DAVIS,
Attorney for United States.

The Court, after hearing the argument upon the said motion by counsel for both sides, took the same under advisement and on the twenty-fourth day of October, 1923, the Court overruled said motion for a new trial, to which ruling of the Court the defendants then and there duly accepted.

And now in furtherance of justice and that right may be done, the said defendants present the foregoing as their Bill of Exceptions to the action of the

Court in the various particulars therein set out, and prays that the same may be settled and allowed, and signed, sealed and verified by the judge and made a part of the record in said case.

J. T. COOK,
S. L. TIPTON,
Attorneys for Defendants,
Residence, Boise, Idaho.

Duly settled and allowed as the defendants' Bill of Exceptions this 6th day of October, 1923.

FRANK S. DIETRICH,
Judge.

Endorsed, Filed Oct. 6, 1923.

W. D. McREYNOLDS, Clerk.

By M. Franklin, Deputy.

(Title of Court and Cause.)

CONSOLIDATED CASES.

Numbers 954-995.

PETITION FOR WRIT OF ERROR.

Comes now the defendants, John R. Corbett, also known as J. R. Corbett and Nora E. Bishop, also known as Ellen Stone, and complain and say that on or about the 24th day of September, 1923, this Court entered judgments and sentences herein against these defendants severally in which judgment in the proceedings had prior thereto certain errors were committed to the prejudice of these de-

fendants and each of them. All of which appears on the assignment of errors, which is filed with this petition.

WHEREFORE, These defendants and each of them pray that a writ of error be issued in their behalf out of this Court or out of the United States Circuit Court of Appeals for the Ninth Circuit, for the correction of errors so complained of and that a transcript of record proceedings and papers in this cause duly authenticated may be sent to the Circuit Court of Appeals of the Ninth Circuit.

J. T. COOK,

S. L. TIPTON,

Attorneys for Defendants.

Service acknowledged this 6th day of October, 1923.

E. G. DAVIS,

United States Attorney.

Endorsed, Filed Oct. 6, 1923.

W. D. McREYNOLDS, Clerk.

By M. Franklin, Deputy.

(Title of Court and Cause.)

CONSOLIDATED CASES.

Numbers 954-995.

ASSIGNMENT OF ERROR.

Now come the defendants, John R. Corbett, also known as J. R. Corbett and Nora E. Bishop, alias

Ellen Stone and severally in connection with the petition for writ of error herein make the following assignments of error, which are alleged to have occurred in the proceedings had in the above entitled cause, to-wit:

1.

The Court erred in refusing to give the following instruction requested by the defendants:

“The jury are instructed, if you find from the evidence that the defendants were domiciled and living at Boise, Idaho, and that Nora E. Bishop, alias Ellen Stone, was transported in interstate commerce to Spokane, State of Washington, and returned to Boise, Idaho, and at the time of leaving Boise, Idaho, she left her position of employment both defendants fully intended that she would return to her employment at Boise, Idaho, after having visited her children at Spokane, Washington, and if you further find from the evidence that the defendant, Corbett, at the time of her leaving Boise, Idaho, arranged with her to furnish her the money and did furnish her the money to pay her transportation in interstate commerce to Spokane, Washington and return to Boise, Idaho, and if you should further find from the evidence that the defendants prior to and at the time of her going to Spokane and returning to Boise had illicit intercourse, you should acquit them.”

For the reasons the evidence shows the defendants were domiciled in Boise at the beginning of the interstate transportation that Nora E. Bishop was

there employed, was domiciled there for the purpose of securing a divorce from her husband, that the trip was a continuous trip from Boise, Idaho, to Spokane, Washington, and return; that the transportation in interstate commerce both to and from Spokane and Boise was for a proper and legitimate purpose, that the intent at all the times on the part of the defendants was for her to return to her employment and her domicile at Boise, Idaho.

II.

The Court erred in refusing to give the following instruction, as requested by the defendants:

“The jury are instructed that if you are satisfied from the evidence that the defendants were domiciled and living at Boise, Idaho, and while so domiciled and living, Nora E. Bishop, alias Ellen Stone,, was transported in interstate commerce to Spokane, Washington, from Boise, Idaho, and returned from Spokane, Washington, to Boise, Idaho, and at the time of leaving Boise, Idaho, for Spokane, Washington, she left her position of employment, both of the defendants fully intending at the time she left Boise, Idaho, that she would return from Spokane, Washington, to her employment at Boise, Idaho, after having visited her children at Spokane, Washington, and if you find from the evidence that the defendant, J. R. Corbett, at the time of her leaving Boise, Idaho, for her said trip to Spokane, Washington, and return, arranged with her to furnish the money and did furnish her the money to pay her transportation in interstate commerce to Spokane, Washington and return to Boise,

Idaho, and even if you should further find from the evidence that the defendants prior to and at the time of her going from Boise, Idaho, to Spokane, Washington, and returning to Boise, Idaho, had illicit intercourse, and if you further find from the evidence that he had in mind at the time of furnishing transportation that he would continue the prior illicit intercourse with her, you should acquit them." For the reasons set out in assignment No. 1.

III.

The verdict of the jury is contrary to the evidence, as follows:

(a) There is no proof that the transportation in interstate commerce was with the intent and purpose that Nora E. Bishop give herself up to debauchery and other immoral practices.

(b) There is no direct proof as to any illicit intercourse between the defendants at any time.

(c) There is no proof that Nora E. Bishop was transported from one state to another.

(d) There is no direct proof as to Nora E. Bishop being transported in interstate commerce with the intent and purpose that she give herself up to debauchery and other immoral practices.

(e) There is no proof that there was at any time illicit sexual intercourse between the defendants.

(f) There is no proof as to any illicit intercourse except circumstantial evidence of their association together in the Capitol Hotel prior to her

transportation in interstate commerce from Spokane, Washington, to Boise, Idaho, or upon her return to Boise, Idaho.

(g) There is no proof that any offense was committed, as prohibited or denounced by the White Slave Traffic Act, or any Law of United States.

(h) There is no proof that the transportation in interstate commerce was with any other intent or purpose than a legitimate purpose.

(i) There is no evidence of a conspiracy showing any intent on the part of either of the defendants, as charged in indictment No. 995.

(j) There is no proof that the transportation in interstate commerce was with the intent and purpose on the part of John R. Corbett to induce, entice and compel Nora E. Bishop, alias Ellen Stone, to engage in immoral practices, as set out in the first count of the indictment, No. 954.

(k) There is no proof that the defendant, John R. Corbett, induced, enticed or persuaded Nora E. Bishop, alias Ellen Stone, to be transported with the intent and purpose that she engage in immoral practices with him as alleged in count two of the indictment, No. 954.

(l) There is no proof that the defendant, John R. Corbett, aided, assisted or caused Nora E. Bishop, alias Ellen Stone, to be carried and transported from Spokane, Washington, to Boise, Idaho, as alleged in count two of the indictment, No. 954.

IV.

The Court erred in denying defendants' motion for a new trial, for the reasons set out in assignment "a to l" inclusive, of No. 3 and assignments Nos. 1 and 2 herein.

V.

The verdict herein is contrary to the law, for the reasons set out in assignment No. 3.

VI.

The verdict herein is contrary to the law for the reason that the indictment does not state a conspiracy, as there is no joint intent alleged therein.

The judgments herein are unlawful, for the reasons that they are based upon verdicts unlawful and unsupported by the evidence, in the particulars set out in specification No. 3, herein stated.

WHEREFORE, The plaintiff in error prays that the judgment herein be reversed.

J. T. COOK,

S. L. TIPTON,

*Attorneys for Defendants and
Plaintiffs in Error.*

Service acknowledged this sixth day of October,
1923.

E. G. DAVIS,

United States Attorney.

Endorsed, Filed Oct. 6, 1923,

W. D. McREYNOLDS, Clerk.

By M. Franklin, Deputy.

(Title of Court and Cause.)

CONSOLIDATED CASES.

Nos. 954-995.

ORDER GRANTING WRIT OF ERROR,
CRIMINAL.

On petition of the defendants above named, it is hereby ordered that a writ of error directed to the judgments heretofore rendered and entered herein be and the same is hereby granted and allowed, and that a certified transcript of the record, testimony, necessary exhibits and all proceedings be forthwith transmitted to the clerk of the Circuit Court of Appeals of the United States for the Ninth Circuit.

It is further ordered that the defendants be and they are hereby admitted bail respectively in the following sums pending the termination of said proceedings in error, conditional according to law, to-wit: John R. Corbett, alias J. R. Corbett, in the sum of Twenty-Five Hundred Dollars (\$2500.00), and Nora E. Bishop, alias Ellen Stone, in the sum of Five Hundred Dollars, (\$500.00).

Dated this 6th day of October, 1923.

FRANK S. DIETRICH,
*United States District Judge,
for the District of Idaho.*

Endorsed, Filed Oct. 6, 1923.

W. D. McREYNOLDS, Clerk.

By M. Franklin, Deputy.

(Title of Court and Cause.)

CONSOLIDATED CASES.

Nos. 954-995.

BOND.

Approved:

DIETRICH, *Judge.*

October 12, 1923.

WHEREAS, on the 24th day of September, 1923, judgments of conviction were rendered against J. R. Corbett, the above named defendant and against John R. Corbett, also known as J. R. Corbett, and Nora E. Bishop, alias Ellen Stone, defendants in the above entitled Court and causes and whereas the said defendant, John R. Corbett, also known as J. R. Corbett, has procured a writ of error in the said cause, directed to said Court for the purpose of securing said judgment, and the proceedings leading thereto, to be reviewed in the Circuit Court of Appeals for the Ninth Circuit of the United States of America.

And whereas, the defendant John R. Corbett has been admitted to bail, and his said bail fixed at \$2500.00 on the said two judgments of conviction pending the hearing and decision of the Circuit Court of Appeals in said writ of error.

Now, therefore, the undersigned, John R. Corbett, principal, and Miguel Gabica and J. Leroy Davies and John Skillern and C. L. Weeks sureties, do hereby acknowledge themselves well and truly bound unto the United States of America in the

penal sum of Twelve Hundred Fifty Dollars each.

The condition of this recognizance is such, that if the said John R. Corbett shall diligently prosecute the proceedings herein pursuant to said writ of error, and if in the event said judgments of conviction is affirmed and made final, he shall appear in the above entitled Court and deliver and render himself for execution of said judgment at such time and place as may by said Court be ordered and directed. Then these presents shall be void; otherwise they shall be in full force and effect.

JOHN R. CORBETT,

Principal.

JOHN SKILLERN,

Surety.

J. LEROY DAVIES,

Surety.

MIGUEL GABICA,

Surety.

C. L. WEEKS,

Surety.

State of Idaho,)
) ss.
 County of Ada,)

John Skillern, being first duly sworn, deposes and says that he is one of the sureties in the foregoing recognizance and that he is worth the sum of Twelve Hundred Fifty Dollars, over and above his just debts and exemptions and that his property consists of Real and Personal property.

And J. Leroy Davies, in the foregoing recogniz-

ance, being first duly sworn, deposes and says that he is worth the sum of Twelve Hundred Fifty Dollars over and above his just debts and exemptions and that his property consists of Real and Personal property.

And Miguel Gabica, in the foregoing recognizance, being first duly sworn, deposes and says that he is worth the sum of Twelve Hundred Fifty Dollars over and above his just debts and exemptions and that his property consists of Real and Personal property.

And C. L. Weeks, in the foregoing recognizance, being first duly sworn, deposes and says that he is worth the sum of Twelve Hundred Fifty Dollars over and above his just debts and exemptions and that his property consists of Real and Personal property.

JOHN SKILLERN,
J. LEROY DAVIES,
MIGUEL GABICA,
C. L. WEEKKS,

Subscribed and sworn to before me this 10th day of October, 1923.

J. R. GOOD,
Notary Public for Idaho.
Residence, Boise, Idaho.

(SEAL)

Endorsed, Filed Oct. 12, 1923,
W. D. McREYNOLDS, Clerk.

(Title of Court and Cause.)

CONSOLIDATED CASES.

Nos. 954-995.

PRAECIPE.

To the Clerk of the Above Named Court:

Please include in the record for the Circuit Court of Appeals for the Ninth Circuit in the proceedings in error in the above entitled cause, the following, to-wit:

The Indictments. Nos. 995 and 954.

Arraignment and Pleas of defendants.

Verdict and Minute Entry allowing exceptions thereto, judgments of Court on verdict.

Motion for a New Trial.

Decision of Court on hearing of motion for a new trial,

Bill of Exception and acknowledgment of service indorsed thereon.

Order settling Bill of Exceptions.

Minute entry of order for time to lodge Bill of Exceptions, and

Petition for Writ of Error.

Order filed extending time to lodge Bill of Exceptions to October 6th, 1923.

Petition for Writ of Error.

Assignments of Error.

Order Allowing Writ of Error.

Writ of Error.

Citation.

Bonds of Plaintiffs in Error, on Appeal.

This Praecipe.

Clerk's return to Writ of Error

Clerk's Certificate.

J. T. COOK,

S. L. TIPTON.

Attorneys for Defendants.

Endorsed, Filed Oct. 12, 1923,

W. D. McREYNOLDS, Clerk.

By M. Franklin, Deputy.

(Title of Court and Cause.)

CONSOLIDATED CASES.

Nos. 954-995.

WRIT OF ERROR.

United States of America,)
Ninth Judicial District,) ss.

) ss.

Ninth Judicial District,)

The President of the United States to the Honorable Judge of the District Court of the United States for the District of Idaho, GREETING:

Because in the record and proceedings, as also in the rendition of the judgment, of the pleas which is in the said District Court, before you, between the United States of America and John R. Corbett, also known as J. R. Corbett and Nora E. Bishop, alias Ellen Stone, defendants, a manifest error hath happened to the great damage of the said defendants, as by their complaint appears, we being willing that error, if any has been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if

judgment be therein given, that then under your seal, distinctly and openly, you sent the record and proceedings aforesaid, with all things concerning the same, to the United States Circuit Court of Appeals for the Ninth Circuit, together with this writ, so that you have the same at the City of San Francisco in said Circuit on the 6th day of November next, in the said Circuit Court of Appeals, to be then and there held, that the record and proceedings aforesaid being inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States, should be done.

Witness the Honorable William Howard Taft, Chief Justice of the United States, this 6th day of October, A. D. 1923, in the one hundred forty-eighth year of the independence of the United States of America.

Allowed by Honorable Frank S. Dietrich, United States District Judge.

ATTEST:

FRANK S. DIETRICH,

Service acknowledged and a copy received this 6th day of October, 1923.

E. G. DAVIS,

United States Attorney.

Endorsed, Filed Oct. 6, 1923,

W. D. McREYNOLDS, Clerk.

By M. Franklin, Deputy.

(Title of Court and Cause.)

CONSOLIDATED CASES FOR TRIAL AND THE
SAID CASES WERE TRIED IN SAID COURT TO-
GETHER SO CONSOLIDATED, AS ONE CASE.

Nos. 995 and 954.

CITATION.

*The President of the United States to the Above
Named Plaintiff and to the United States Attor-
ney for the District of Idaho:*

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit to be held in the City of San Francisco in the State of California within thirty days from the date of this citation, pursuant to a writ of error filed in the clerk's office of the United States District Court of the District of Idaho, Southern Division, in the above entitled cause, to show cause, if any there be, that the judgment in said writ of error mentioned should not be corrected, and speedy justice should not be done the parties in that behalf.

Witness the Honorable William Howard Taft, Chief Justice of the Supreme Court of the United States, the 6th day of October, 1923, and the independence of the United States of America, the 146th.

FRANK S. DIETRICH,

Judge.

Service of the within Citation is hereby acknowledged the 6th day of October, 1923.

E. G. DAVIS,
*U. S. Attorney for the
District of Idaho. . .*

Endorsed, Filed Oct. 6, 1923,

W. D. McREYNOLDS, Clerk.

By M. Franklin, Deputy.

WRIT TO RETURN OF ERROR.

And thereupon it is ordered by the Court that the foregoing transcript of the record and proceedings in the cause aforesaid, together with all things thereunto relating, be transmitted to the said United States Circuit Court of Appeals for the Ninth Circuit, and the same is transmitted accordingly.

W. D. McREYNOLDS,

(SEAL)

Clerk.

(Title of Court and Cause.)

CONSOLIDATED CASES.

Nos. 954-995.

CLERK'S CERTIFICATE.

I, W. D. McReynolds, Clerk of the District Court of the United States for the District of Idaho, do hereby certify the foregoing transcript of pages numbered 1 to 54, inclusive, to be full, true and correct copies of the pleadings and proceedings in the above entitled consolidated causes, and that the same together constitute the transcript of the record herein, upon Writ of Error to the United States Circuit Court of Appeals for the Ninth Circuit, as

requested by the praecipe filed herein.

I further certify that the cost of the record here-amounts to the sum of \$64.00, and that the same has been paid by the Plaintiff in Error.

Witness my hand and the seal of said Court this 26th day of November, 1923.

W. D. McREYNOLDS,

(SEAL)

Clerk.

By M. Franklin, Deputy.